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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,603	12/05/2003	Atsushi Tashiro	AP35930-071639.0144	1572
21003 7590 05/07/2007 BAKER BOTTS L.L.P. 30 ROCKEFELLER PLAZA 44TH FLOOR NEW YORK, NY 10112-4498			EXAMINER HSU, AMY R	
			ART UNIT 2609	PAPER NUMBER
			MAIL DATE 05/07/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/729,603

Applicant(s)

TASHIRO ET AL.

Examiner

Amy Hsu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (US 6847388), in view of Makishima et al. (US 6549307).

Regarding Claims 1-2 and 10-11, Anderson teaches a digital camera and method of controlling a digital camera where the digital camera comprises: a light sensor capture device that samples light from an object to be photographed and converts the sampled light into unprocessed bitmap data (*Col 4 Lines 36-41*); a memory that stores the unprocessed bitmap data in a raw image file (*Col 5 Lines 49-51*); an image processor (*Col 4 Lines 21-22 describes the computer as the device that performs image processing*), wherein said image processor converts the unprocessed bitmap data into a first compressed image having a first resolution (*Col 8 Lines 9-12 describes an image called a scrennail that is converted from the uncompressed image data and is of a first resolution, specifically a medium resolution*), converts the unprocessed bitmap data into a second compressed image having a second selectable resolution (*Col 7 Lines 61-64 describes a second compressed image comprising full-sized captured image and also describes that the user can choose the resolution in which images are captured*), and embeds the first compressed image and the second compressed image into the raw image file (*Fig. 6 shows the first resolution compressed*

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image, reference number 608 and the second compressed image data, reference number 604, embedded, or incorporated in the uncompressed image data, reference number 606). Anderson teaches the second resolution being selectable but fails to specifically mention the selector that facilitates selection of the second selectable resolution from one or more selectable resolution values. Makishima teaches a similar digital camera and method where the user can select different resolutions using a selector. Makishima teaches a display or monitor attached to the camera where the user can select information such as resolution from a menu showing each option displayed the monitor (*Col 2 Lines 17-25*). Makishima teaches the user can select from different resolution values on the display such as the value of high resolution and the value of standard resolution (*Col 5 Lines 20-26*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus taught by Anderson which allows the user to select a resolution by allowing the user to use a selector via the camera's monitor to select a resolution among one or more resolution values because this would optimize the collection of user input in a way that is simple for the user.

Regarding Claims 3 and 12, Anderson teaches the digital camera of claim 2 and method of controlling digital camera of step 11 but is silent on the limitations of Claims 3 and 12. Makishima teaches the display is operable to show which of the resolution values for the second selectable resolution is currently selected (*Col 5 Lines 26-28 describes after the resolution is selected the compression rate is then set. However, there is a point when the resolution is set by the user on the display and at this point*

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the display shows which of the resolution values for the second selectable resolution is currently selected). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus taught by Anderson which allows the user to select a resolution with the teachings of Makishima to allow the user to visually confirm on the display which of the resolution values was selected because this feature would optimize the user's experience by allowing him to confirm his selection and make changes at that point if necessary.

Regarding Claims 4 and 13, Anderson teaches the digital camera in claim 3 and method of controlling digital camera of step 12 wherein said light sensor capture device comprises a charge-coupled device (*Col 4 Lines 36-41*).

Regarding Claims 5 and 14, Anderson teaches the digital camera of claim 4 and method of controlling digital camera of step 13 wherein the first and second compressed images comprise JPEG images (*Col 7 Lines 61-64*).

Regarding Claims 6 and 15, Anderson teaches the digital camera of claim 5 and method of controlling digital camera of step 14 wherein the raw image file is in RAW format (*Col 4 Lines 38-41 describes the data from the image sensor is raw image data. Raw image data is inherently in RAW format, which includes a variety of manufacturer's proprietary formats, as there is no single standard raw format*).

Regarding Claims 7 and 16, Anderson teaches the digital camera of claim 6 and method of controlling digital camera of step 15 wherein the first resolution is suitable for generating thumbnail images on the display (*Col 7 Lines 49-51 describes two types of*

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thumbnail images. Col 8 Lines 9-17 describes one of these two types of thumbnail images, specifically called a screennail image, which is the first resolution image).

Regarding Claims 8 and 17, Anderson teaches the digital camera of claim 7 and method of controlling digital camera of step 16 where the user selects the resolution (*Col 9 Lines 9-12*) of a second, selectable resolution image file, but fails to specifically state the exact numerical dimension values of the selectable resolution. Official notice is taken of the fact that it is well known in the digital camera art that the following resolutions: 1440x960, 2304x1536, and 3024x2016, are common resolutions in high-end cameras and widely in use among digital camera manufactures. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the camera taught by Anderson which allows the user to set or select the resolution by providing the user with commonly used resolutions. This is because in order to optimize the quality of photography for typical users of digital cameras, the user input would require a choice of specific resolutions in numerical value that are commonly used and determined by digital camera manufacturers to be optimal in order for the user to set the resolution.

Regarding Claims 9 and 18, Anderson teaches the digital camera of claim 8 and method of controlling digital camera of step 17 wherein said display is operable to show one or more icons. Anderson teaches that in different modes the LCD screen displays icons to facilitate the user interface functions (*Col 7 Lines 36-39*), but fails to teach icons specifically corresponding to one or more selectable resolution values. Makishima teaches on the screen the user can select resolution values (*Col 5 Lines*

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21-26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Anderson that uses icons in the user interface on the display with the teachings of Makishima which selects given resolution values by using the icons to represent the given resolution values, because icons representing resolutions to choose from will facilitate the user input experience.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure including Nozawa (US 7142237), Miller (US 6310648), Miller (US 6233015), and Anderson (US 6512548).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy Hsu whose telephone number is 571-270-3012. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Amy Hsu
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Art Unit 2609

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